

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:	Jorge Adams et al.	§	Group Art Unit: 1723
Application No.:	10/674,441	§	Examiner: Drodge, J.
Filed:	September 30, 2003	§	Docket: 03009-00
For:	SOLID-LIQUID SEPARATION OF OIL-BASED MUDS	§	Date: June 13, 2006
		§	
		§	
		§	

REQUEST FOR RECONSIDERATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the December 14, 2005 Office Action, a three month extension of time being requested herewith, please reconsider the outstanding rejection of this application in view of the following.

Claims 26-28 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting over claim 19 of copending Application No 10/892,847. Applicants will file an appropriate terminal disclaimer at such time as an indication of allowability of the present application is received.

Claim 3 was provisionally rejected under 35 U.S.C. §101 for claiming the same invention of claim 1 of copending Application No. 10/892,847. This rejection will be addressed in the copending application by appropriate amendment to claim 1 therein.

Claims 26-28 were rejected under 35 U.S.C. §102(b) for allegedly being anticipated by Dymond et al. U.S. Patent No. 4,777,200 ("Dymond, et al."). This rejection is hereby traversed.

The office action contends that Dymond, et al. disclose compositions comprising oil-based drilling mud, a water-in-oil emulsion comprising a water soluble polymer and that "it is immaterial whether the polymer is dissolve prior to contacting the mud, since only the

composition end product is claimed.” Dymond, et al. however address viscosifiers for thickening liquids and mentions the oil phase of drilling muds as a liquid to be thickened, not to flocculants for separating solids from liquids in an oil based drilling mud as claimed. More importantly, the polymers in Dymond, et al. are in oil-in-water emulsions, not water-in-oil emulsions as presently claimed. Dymond, et al. therefore fail to teach all elements of the present invention and therefore would not have anticipated claims 26-28. Reconsideration and withdrawal of the 35 U.S.C. §102(b) rejection of these claims are thus earnestly solicited.

Claims 1-25 were rejected under 35 U.S.C. §103(a) over Chen, et al., U.S. Patent No. 5,763,523 (“Chen, et al.”) in view of Thompson, et al., U.S. Patent No. 4,913,585 (“Thompson, et al.”). This rejection is respectfully traversed.

Chen et al. is directed to water-in-oil emulsion blends of polymers and monomers that can be used as flocculants for suspended solids from aqueous dispersions. There is no mention or suggestion whatsoever of flocculating oil based dispersions, much less oil based drilling muds, as presently claimed. Thompson, et al. like Chen et al., is limited exclusively to flocculation of aqueous based dispersions – in particular water based drilling muds and in fact emphasizes the dewatering of these drilling muds. Hence, any combination of Chen et al. with Thompson et al. would at most result in a method of using water-in-oil emulsions of polymers to flocculate water based drilling muds. Instead, the present invention is directed to a method of flocculating oil based drilling muds. Claims 1-25 of the present application would therefore not have been obvious over Chen et al. in view of Thompson, et al. Reconsideration and withdrawal of their rejection under 35 U.S.C. §103(a) on this basis are thus earnestly solicited.

In view of the foregoing this application is in condition for allowance. Favorable consideration and prompt allowance of claims 1-28 are earnestly solicited. Should the examiner not yet consider this application in condition for allowance or have a question

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concerning this response, he is invited to telephone the undersigned at the number listed below.

Respectfully submitted,

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